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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,284	01/22/2002	Gabi Balan	45401-56	4791

7590 12/23/2003

BENNETT JONES LLP  
4500 Bankers Hall East  
855 - 2nd Street SW  
Calgary, AB T2P 4K7  
CANADA

EXAMINER
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MCAHON, MARGUERITE J

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 12/23/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/051,284

Applicant(s)

BALAN ET AL.

Examiner

Marguerite J. McMahon

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to a hydrogen generating system, classified in class 123, subclass 3.
- II. Claim 2, drawn to a hydrogen generating system, classified in class 123, subclass 3.
- III. Claims 3-4, drawn to a hydrogen generating system, classified in class 123, subclass 3.
- IV. Claims 5-11, drawn to a hydrogen generating system, classified in class 123, subclass 3.
- V. Claims 12-13, drawn to a hydrogen generating system, classified in class 123, subclass 3.
- VI. Claims 14-16, drawn to a hydrogen generating system, classified in class 123, subclass 3.

The inventions are distinct, each from the other because of the following reasons:

Inventions I through VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as a hydrogen generating system which employs a monitoring means which includes an electrolyte level

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monitoring device in the electrolysis cell including a tube, a circuit disposed in the tube, the circuit including a switch positioned adjacent a selected level of the aqueous solution and a float selected to float on the aqueous solution, the float being slidably engaged on the tube, and free to ride along the tube as driven by changes in the surface level of the solution, and the float including means for actuating the switch as it rides along the tube.

Invention II has separate utility such as a hydrogen generating system which employs a monitoring means including a tank circuit having an inductor and a capacitor connected in parallel, the inductor being an electrical wire wrapped at least one turn about the electrolysis cell adjacent a selected level of the aqueous solution within the electrolysis cell, and interface circuitry for exciting the tank circuit such that a sine wave is generated and observing evidence of energy loss in the circuit.

Invention III has separate utility such as a hydrogen generating system, which employs a monitoring means including a control means for comparing the battery voltage to a voltage indicative of proper alternator operation and controlling operation of the hydrogen generating system when the battery voltage is not indicative of proper alternator operation.

Invention IV has separate utility such as a hydrogen generating system, which employs a vacuum control arrangement for conveying supplemental gas from a gas source and introducing the gases to the generated gases in the inlet tubing to reduce the vacuum generated by the vacuum pump.

Invention V has separate utility such as a hydrogen generating system, which employs a power regulator for providing regulated electrical power to the electrolysis cell, the power regulator generating an AC component, wherein the AC component of the power regulators are phase locked with a selected module acting as the master module and selected others of the modules acting as slave modules, wherein each module contains phase locking circuitry, the phase locking circuitry of the master module generating a chopping frequency and inputting the chopping frequency to the slave modules, and a controller selected to prevent the operation of any slave modules not phase locked with the master module.

Invention VI has separate utility such as a hydrogen generating system, which employs monitoring means for monitoring the operating conditions of the hydrogen generating system, the monitoring means including a sensor for monitoring the integrity of the output circuit from the power source, and a control means including means in communication with the sensor for controlling operation of the hydrogen generating system based on the integrity of the output circuit.

Because these inventions are distinct for the reasons given above and the search required for each Group is not required for each other Group, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 703-308-1956. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7766.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0975.

  
**MARGUERITE MCMAHON**  
**PRIMARY EXAMINER**